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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,486	01/18/2002	John D. Phillips	24457B	1435

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OWENS CORNING
2790 COLUMBUS ROAD
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EXAMINER

TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No. 10/051,486	Applicant(s) PHILLIPS, JOHN D.	
	Examiner Phi D A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,9,12-45 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,8 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

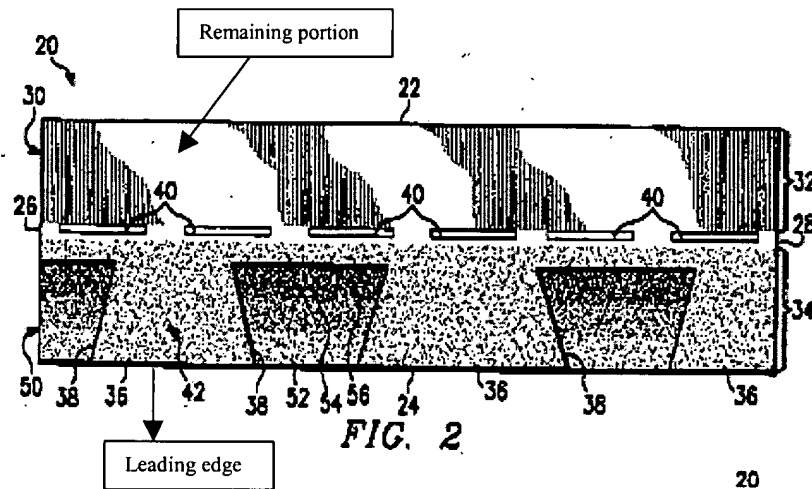
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 4-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al (5666776).

Weaver et al (below) shows a laminated roofing shingle having an overlay(20) having an underside and a plurality of spaced apart tabs (36), each one of the tabs (36) having a leading edge (see below), a first shadow line (42 extending to area of 26 and 28) and a remaining portion (the portion above the first shadow line and below the portions 32 or 30), the tabs defining openings adjacent the tabs, a layer of granules disposed on the first shadow line of the tabs and on the remaining portion of the tabs, the granules on the first shadow line of the tabs being substantially darker in color than the granules on the remaining portion of the tabs, an underlay (50) attached to the underside of the overlay to cooperatively form the laminated roofing shingle, the underlay having a leading edge (52), a second shadow line (56), a remaining portion between the leading edge of the underlay and the second shadow line, the leading edge of the underlay generally co-aligning with the leading edge of the tabs, the underlay having a portion exposed through the openings defined adjacent the tabs, a layer of granules disposed on the underlay, the granules on the second shadow line of the underlay being substantially darker than the granules on the remaining portion of the underlay, said overlay and said underlay are each formed from a

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base material comprising fiberglass mat that has been coated with asphalt, the granules on the first shadow line and the granules on the second shadow line being black granules (col 4 line 5).

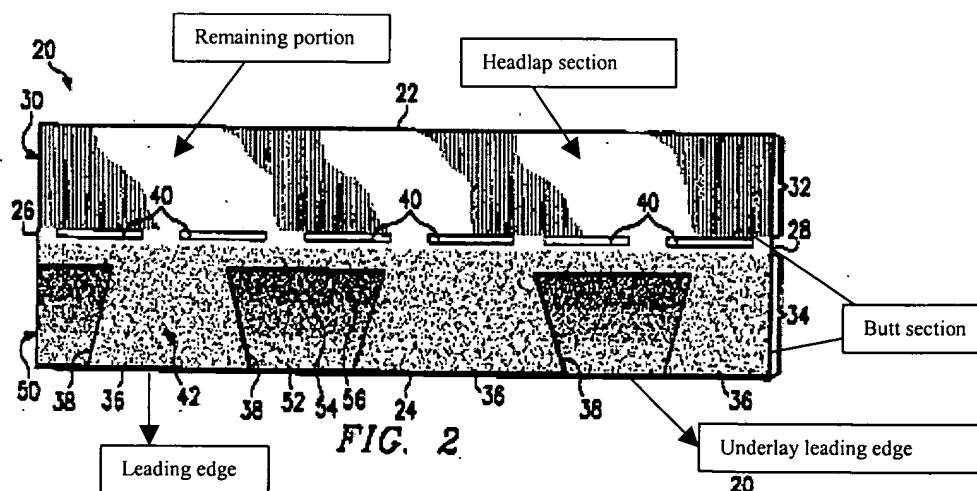


3. Claims 7, 9-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al (5666776).

Weaver et al (below) shows a laminated roofing shingle comprising an overlay having an underside, headlap section (sections comprise of 30 or 32), a plurality of spaced apart tabs (36) extending from the headlap section, the headlap section having a leading edge (the leading edge of 30 or 32), each one of the tabs having a leading edge (36), an outer surface, a first shadow line (42) and a remaining portion (the portion between 34 and 32), said first shadow line and the remaining portion being on the outer surface of the tabs, the first shadow line extending from the leading edge of the tabs to the remaining portion of the tabs, the tabs and the leading edge of the headlap section defining openings, a layer of granules disposed on the first shadow line of the tabs and on the remaining portion of the tabs, the granules on the first shadow line (42) of the tabs being substantially darker in color than the granules on the remaining portion of the tabs, an underlay (50) attached to an underside of the overlay to cooperatively form the laminated roofing

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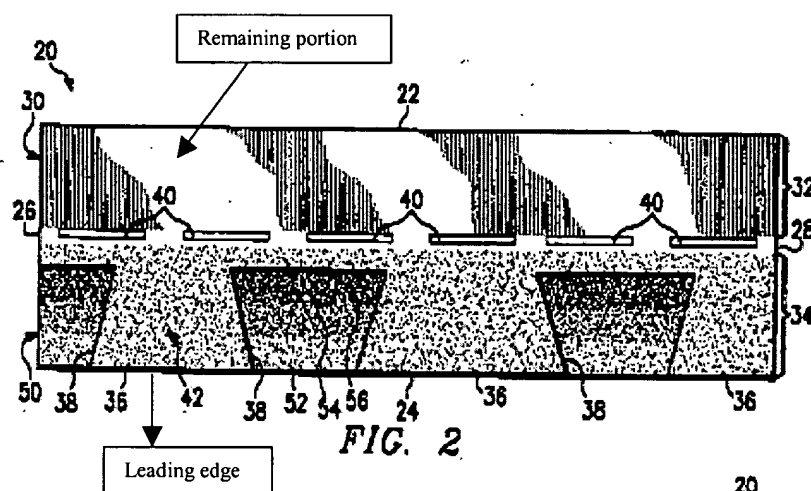
shingle, the underlay having an outer surface, a leading edge, a trailing edge, a second shadow line (56) and a remaining portion (54) between the leading edge of the underlay and the second shadow line, the leading edge of the underlay generally co-aligning with the leading edge of the tabs, the second shadow line and the remaining portion of the underlay being on the outer surface of the underlay, the second shadow line extending from the trailing edge of the underlay to the remaining portion of the underlay, the underlay having a portion exposed through the openings defined by the tabs and the leading edge of the headlap section, the second shadow line being exposed through the opening and adjacent the leading edge of the headlap section, a layer of granules disposed on the underlay, the granules on the second shadow line (56) being substantially darker than the granules on the remaining portion of the underlay, the overlay and the underlay each being formed from a base material comprising a fiberglass mat that has been coated with asphalt, the granules on the first shadow line and the granules on the second shadow line being black.



4. Claim 21 is rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al (5666776).

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Weaver et al (below) shows a laminated roofing shingle having an overlay having a tab (36) with a leading edge having granules thereon and a remaining portion having granules thereon, the leading edge granules being darker than the remaining portion granules, an underlay (50) attached to the overlay, the underlay having a shadow line (56) having granules thereon and a remaining portion having granules thereon, the shadow line granules being darker than the underlay remaining portion granules.

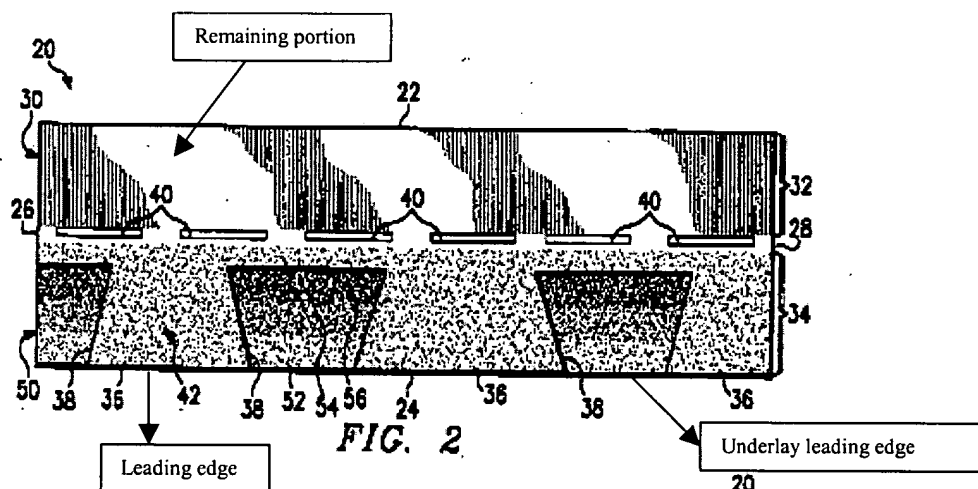


5. Claim 22 is rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al (5666776).

Weaver et al (below) shows a laminated roofing shingle having an overlay having a tab (36) with a leading edge, a first shadow line (42), and a remaining portion, the shadow line being positioned between the leading edge (see below) and the remaining portion (see below), a layer of granules disposed on the first shadow line and on the remaining portion of the tab (the portion located at around 26, 28), the granules on the first shadow line being darker in color than the granules on the remaining portion, an underlay attached to the underside of the overlay to cooperatively form the laminated roofing shingle, the underlay having a leading edge, a second

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shadow line (56) and a remaining portion between the leading edge of the underlay and the second shadow line, the leading edge of the underlay generally co-aligning with the said leading edge of the tab, the underlay having an exposed portion, a layer of granules disposed on the underlay, the granules on the second shadow line (56) of the underlay being generally darker than the granules on the remaining portion of the underlay.

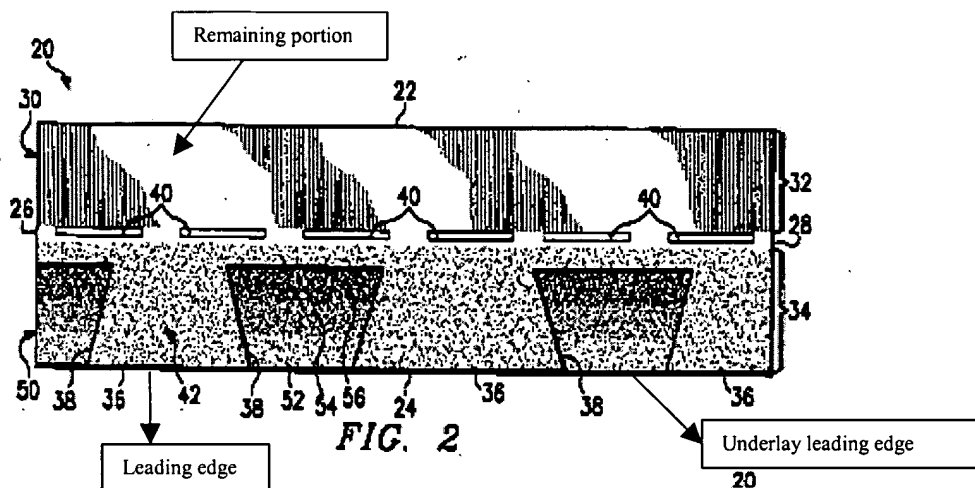


6. Claim 23 is rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al (5666776).

Weaver et al (below) shows a laminated roofing shingle having an overlay having a tab (36) with a leading edge, a first shadow line (42), and a remaining portion, the shadow line being positioned between the leading edge (see below) and the remaining portion (see below), a layer of granules disposed on the first shadow line and on the remaining portion of the tab (the portion located at around 26, 28), the granules on the first shadow line being different color or shade than the granules on the remaining portion, an underlay attached to the underside of the overlay to cooperatively form the laminated roofing shingle, the underlay having a leading edge, a second shadow line (56) and a remaining portion between the leading edge of the underlay and

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the second shadow line, the leading edge of the underlay generally co-aligning with the said leading edge of the tab, the underlay having an exposed portion, a layer of granules disposed on the underlay, the granules on the second shadow line (56) of the underlay being a different color or shade than the granules on the remaining portion of the underlay.

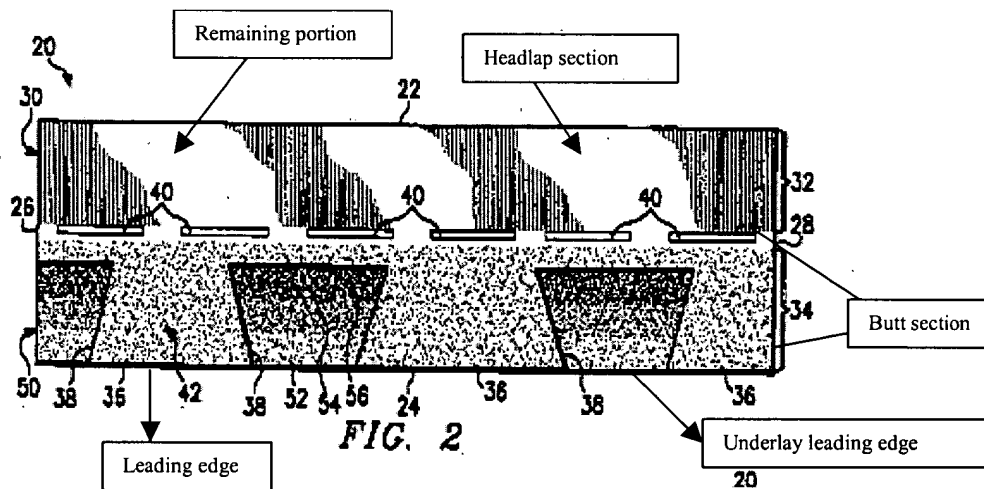


7. Claims 24, 26-32 are rejected under 35 U.S.C. 102(a) as being anticipated by Weaver et al (5666776).

Weaver et al (below) shows a laminated roofing shingle having a headlap section and a butt section (the section starting below 30 or 32) comprising an overlay having a tab (36), the tab having an outer surface with a trailing edge adjacent the headlap section and a leading edge (36) spaced from the trailing edge, the tab having a width, an underlay (50) attached to an underside of the overlay, the underlay having an outer surface, the underlay outer surface positioned adjacent the tab with a trailing edge (26) adjacent the headlap section, a leading edge spaced from the trailing edge and first colored granules (42) adhered to the outer surface of the tab adjacent the leading edge of the tab, second colored granules (the part around the openings 40) adhered to the outer surface of the tab separated from the leading edge (36) of the tab by the

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first colored granules, the second colored granules having a different coloration or shade than the first colored granules, third colored granules (56) adhered to the trailing edge of the outer surface of the underlay, fourth color granules (52) adhered adjacent the leading edge of the outer surface of the underlay having different coloration or shade than the third colored granules, said first colored granules form a shadow line adjacent the leading edge of the tab across substantially the entire width of the tab, the first colored granules (42) comprise darker granules than the second colored granules, the first colored granules comprise black colored granules, the third colored



granules (56) form a shadow line adjacent the trailing edge of the outer surface of the underlay, the third colored granules comprise darker granules than the fourth colored granules, the first and third colored granules comprise black colored granules, a second tab (the next tab), the second tab adjacent the outer surface of the underlay, the second tab having sixth colored granules (42) forming a shadow line adjacent a leading edge of the second tab.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 25, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al (5666776).

Weaver et al shows all the claimed limitations except for fifth colored granules adhered to the outer surface of the tab separated from the first and sixth colored granules by the second colored granules, the fifth colored granules having different coloration or shade than the second colored granules and forming a shadow line adjacent the headlap section.

Weaver et al further discloses individual shingles being manufactured in a variety of weights and colors being well known, a color gradient or gradation can be put on portions of the shingle to create the illusion of thickness or depth on a relatively flat surface.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Weaver et al to show fifth colored granules adhered to the outer surface of the tab separated from the first colored granules by the second colored granules, the fifth colored granules having different coloration or shade than the second colored granules and forming a shadow line adjacent the headlap section because having a color gradient on the shingle would create the illusion of thickness or depth on a relatively flat surface as taught by Weaver et al.

10. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al (5666776).

Weaver et al shows all the claimed limitations. The claimed method steps of making a laminated roofing shingle would have been the obvious method steps of making Weaver et al's laminated shingle.

11. Claims 34-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al (5666776).

Weaver et al shows all the claimed limitations. The claimed method steps of making a laminated roofing shingle would have been the obvious method steps of making Weaver et al's laminated shingle.

Allowable Subject Matter

12. Claims 2-3, 6, 8, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

Per claims 2, 8, prior art does not show the granules on the first shadow line and the granules on the shadow line on the trailing edge of the tabs being generally uniform in color, the shadow line on the trailing edge of the tabs being substantially narrow relative to the shadow line on the trailing edge of the underlay in combination with other claimed limitations.

Per claim 3, prior art does not show the first shadow line being a minority portion of the tab in combination with other claimed limitations.

Per claims 6 and 11, prior art does not show the first shadow line being generally narrow relative to the second shadow line in combination with other claimed limitations.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different shingle designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Phi Dieu Tran A
October 31, 2003